

TENTATIVE RULINGS for CIVIL LAW and MOTION
October 1, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **St. Paul Fire & Marine Insurance Company v. NIC Insurance Company, et al**
Case No. CV CV 09-1450

Hearing Date: **October 1, 2009** **Department Fifteen** **9:00 a.m.**

On September 24, 2009, plaintiff filed a Notice of Order of the Supreme Court of the State of New York, County of New York, staying all civil actions against any insureds of the Insurance Corporation of New York. The Court notes that on September 25, 2009, Defendant American Tile and Brick Veneer, Inc. filed a Notice of Order Extending the Temporary Injunction Re: New York Supreme Court's Rehabilitation Order in the related case, McCarthy Building Companies, Inc. v. Alliance Roofing, Inc. et al., Yolo Superior Court case number CV 09-531. Defendant American Tile and Brick Veneer, Inc. states in the Notice that it is being defended by Insurance Corporation of New York in the McCarthy matter and requests that the Court stay the entire matter until December 21, 2009.

Neither Plaintiff in this matter, nor Defendant American Tile and Brick Veneer, Inc. in the related matter, include any legal authority in support of the request that the Court stay the related matters pending before this Court. Accordingly, the Court directs the parties to file briefs by October 9, 2009, citing citation to legal authority that the stay issued by the New York Supreme Court, stays the related actions pending before this Court.

This matter is continued, on the Court's own motion, to October 19, 2009, at 9:00 a.m. in Department 15.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Throne v. Robinson**
 Case No. CV UD 09-47

Hearing Date: **October 1, 2009** **Department Fifteen** **9:00 a.m.**

The parties and counsel are **DIRECTED TO APPEAR**.

TENTATIVE RULING

Case: **Zochlinski v. Yau**
 Case No. CV CV 93-71626

Hearing Date: **October 1, 2009** **Department Fifteen** **9:00 a.m.**

The motion for leave to file the amended answer attached to the Declaration of Gregory Fox filed on August 4, 2008, is **GRANTED**. (Code Civ. Proc., §§ 464, subd. (a) and 473, subd. (a).) Defendants shall file their amended answer by no later than October 5, 2009.

Plaintiff's request that the Court order the defendants to provide him copies of the complaints in certain lawsuits brought by the plaintiff is **DENIED**.

The demurrer and motion to strike filed by the plaintiff on September 22, 2009, is **DENIED WITHOUT PREJUDICE**. (Code Civ. Proc., §§ 1005, subd. (b) and 1010.6, subd. (a)(6); Cal. Rules of Court, rule 2.260.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.